

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BUILDING INDUSTRY ASSOCIATION—
BAY AREA,

Plaintiff,

v.

CITY OF OAKLAND,

Defendant.

Case No. 15-cv-03392-VC

**ORDER DISMISSING COMPLAINT
FOR LACK OF JURISDICTION**

Re: Dkt. No. 45

The first amended complaint is dismissed for failure to adequately allege standing. *See Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016) ("Where, as here, a case is at the pleading stage, the plaintiff must 'clearly ... allege facts demonstrating' each element."); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561, 564 (1992); *Carrico v. City and County of San Francisco*, 656 F.3d 1002, 1006-07 (9th Cir. 2011). Dismissal is with leave to amend. Building Industry Association—Bay Area must file its amended complaint within 7 days of this order.

IT IS SO ORDERED.

Dated: October 26, 2017



VINCE CHHABRIA
United States District Judge